

CITY OF HORSESHOE BAY

CITY COUNCIL PUBLIC MEETING AND PUBLIC HEARINGS

July 10, 2007

The Council of the City of Horseshoe Bay held a Public Meeting and Public Hearings at City Hall, located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, July 10, 2007, in accordance with duly posted notice of said meeting. Mayor Bob Lambert called the meeting to order at 3:00 p.m. with a quorum of Council Members present as follows:

Robert W. Lambert, Mayor
James E. Babcock, Mayor Pro Tem
John Bird, Alderman
Karen Wines, Alderwoman
Richard Rantzow, Alderman

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered with the agenda subject and item number shown preceding the applicable paragraph.

1. Call to Order and Establish a Quorum: Mayor Bob Lambert called the Public Meeting to order at 3:00 p.m. with a quorum present. Johnny White from the Church at Horseshoe Bay led the invocation. Mayor Lambert led the pledge of allegiance to the United States Flag and the Texas Flag.
2. Comments from Mayor: Mayor Lambert announced that anyone who wanted to speak needed to sign up if they had not done so.
3. Comments from Aldermen: There were no comments from the Aldermen.
4. Public Comments: There were no public comments.
6. Lifestyle Issues Committee Ordinance Recommendations:
 - a. Sexually Oriented Business Ordinance
 - b. Antenna OrdinanceMayor Lambert asked if there were any comments from the Council. There were none. Alderman Babcock made the motion to approve the adoption of the Sexually Oriented Business and the Antenna Ordinances as presented. The motion was seconded by Alderman Rantzow. The motion passed unanimously (4-0).

c. For Discussion Only:

- iii. Animal Control Ordinance: There were a total of 7 citizens speaking against passing the Animal Control Ordinance as written including Christine Wood, Jeff Rubenstein from Hill County Cat Control, a non-profit Trap, Neuter and Return organization, Cynthia Peoples, Cindy Gunter, Lisa Culp, Bill Trapani and David Culp. Mayor Lambert stated this item will be on the August 28th agenda for discussion only, and encouraged citizens to send any comments they might have to him for distribution to the Council.
- iv. Noise Control Ordinance: Don Wood addressed the Council stating he felt the Noise Control Ordinance is too restrictive as written. Jim Long, Chairman of the Lifestyle Committee said the committee worked in conjunction with Police Chief Bill Lane to come up with the specific language “reasonable and prudent” rather than limiting the decibels. Attorney Akers stated usually the police respond to violations of the Noise Ordinance by complaint only and in order to prosecute successfully, the complaining citizen needs to be willing to testify in municipal court. Mayor Lambert asked City Attorney Monte Akers to work with Don Wood and the Lifestyle Committee to modify the language of the ordinance to be less restrictive and clearer in the intent.
- v. Juvenile Curfew Ordinance: Alderwoman Wines questioned the different curfew times for weekdays and weekends. Chief Lane stated the number of instances of problems with juveniles has increased this summer.
- i. Sign Ordinance:
- ii. Outdoor Lighting Ordinance:
Mayor Lambert said he is working on revised drafts of both the Sign and Outdoor Lighting Ordinances with members of the community and these will be on the August 28 agenda for discussion.

Dale Rodman stated this has been an interesting process over the last couple of years to watch democracy in action. He thanked the Lifestyle Committee for what they have done in taking on many controversial issues and they have spent a lot of time to get things where they are today. Now they are handing it off to the City Council and everyone expects the Council to get this thing done. He asked that the Council keep in mind the “silent majority” when considering these last ordinances recommended by the Committee.

7. Resolution Thanking the Lifestyle Issue Committee: Mayor Lambert read the Resolution officially thanking the Committee members, Jim Long, Chairman, Jean Anderson, Larry Glass, Ilene Perkett, and Buddy Schrader for their service and work on the committee. Alderman Rantzow made the motion to approve the Resolution. The motion was seconded by Alderwoman Wines. The motion passed unanimously (4-0). Committee Chairman, Jim Long stated this has been a community effort and they have received input from the community as well as help from HSB POA President, Tom Engler and City of Horseshoe Bay General Manager, Mike Thuss. He said he wanted to thank the City’s Public Records Administrator, Teresa Moore for her assistance to the committee. He then read a letter from the members of the committee thanking her for her work.

Regular Meeting Adjourned for a Recess: At 4:15 p.m., Mayor Lambert announced that the meeting would adjourn for a short recess.

Regular Meeting Resumed: At 4:30 p.m., Mayor Lambert reconvened the meeting.

5. Items to be removed from the Consent Agenda: Mayor Lambert asked if there were any items to be removed from the Consent Agenda. Alderman Babcock asked that Agenda Item 8.c. Amend Health, Sanitation, Trash and Litter Ordinance, be removed from the Consent Agenda for discussion. He would like to defer this in order to work on the specific language with City Attorney Akers and HSB POA President Tom Engler.
8. Consent Agenda Items:
 - a. Minutes of the June 15, 2007 Public Ceremony, the 10:00 a.m. June 19, 2007 Public Meeting and the 3:00 p.m. June 19, 2007 Public Meeting
 - b. Final Plats:
 - i. Replat of Lot No. 23115, Horseshoe Bay, Plat No. 23.4 to be known as Horseshoe Bay, Plat No. 23.44 (High Stirrup and Lost Spur)
 - ii. Replat of Lot 29, The Trail's End, Section Two-A, The Trails of Lake Horseshoe Bay, Llano County, Texas
 - iii. Replat of Lot No. N1010, Horseshoe Bay North, Plat No. N1.1 and Lot Nos. N3109 and N3110 of Horseshoe Bay North, Plat No. N 3.19 (HSB Blvd North & Hwy 2147)
 - iv. Replat of Lot No. 86 of Escondido, Plat No. 1.1, Llano County, Texas

Alderman Rantzow made the motion to approve the remainder of the items on the Consent Agenda. The motion was seconded by Alderman Babcock. The motion passed unanimously (4-0).

9. Final Plat of CK Ranch Tract, Phase One-B in the City's ETJ, Burnet County, Texas: Mayor Lambert stated the developer had requested consideration of this item be deferred at this time.
10. Consideration and Possible Action on Application for Amendment to the Zoning Ordinance and a Planned Development District by Ordinance for Zone 20, Lot Nos. 28047 and 28048, Horseshoe Bay, Llano County, Texas: Mayor Lambert convened the Public Hearing at 4:37 and stated there are several citizens signed up to speak. Ruth Walsh and Chris Niederschulte who live at 112 Stone's Throw and Susan Maughan of 110 Stone's Throw all asked the Council to deny the request to rezone this area from multi-family to commercial. Alderman Babcock said he had met with Sean Weiser, the developer and Mr. Weiser had been very willing to amend the design to try to gain approval of the concerned neighbors. Mr. Babcock emphasized the fact that this area is already zoned commercial or multi-family on all sides. Alderman Bird said these specific lots were not commercial at the time these owners purchased them and he is sympathetic with the homeowners. Sean Weiser stated he would withdraw his request to rezone and possibly develop multi-family units here. There was no action taken on this item.

11. Conduct a Public Hearing and Consideration and Possible Action on Application for Amendment to the Zoning Ordinance for Zone 11, The Trails of Lake LBJ: Mayor Lambert convened the Public Hearing at 5:20 p.m. He asked Mike Walsh to explain the request. Mr. Walsh stated this is an amendment to do some house cleaning on the Zoning Ordinance initially adopted by the City using the Deed and Covenant Restrictions as a guide. They have gone through the ordinance and removed items that have more to do with covenant restrictions rather than zoning issues. The Public Hearing was adjourned at 5:24. No action was taken on this item. It will be placed on the August 28 agenda for possible consideration.
12. Conduct a Public Hearing and Consideration and Possible Action on Application for Amendment to the Zoning Ordinance for Zone 10, Siena Creek, Llano County, Texas: Mayor Lambert said at the request of the developer this item has been deferred.
13. Speed Limit Change for Applehead Island, Lighthouse Drive, Pecan Creek, The Peninsula and The Trails of Lake LBJ: Mayor Lambert said there have been requests from applicable Property Owner's Associations or residents of these areas to change the speed limits in the affected areas to 25 m.p.h. Alderwoman Wines asked whether the residents of these areas have been notified. Alderman Babcock stated it was in Alderman Robinson's article in the Beacon as well as being a lead article in the Beacon and is on the City's website. Alderman Rantzow stated he has only received favorable comments on the change. Alderman Rantzow made the motion to change the speed limits in these areas to 25 m.p.h. The motion was seconded by Alderman Babcock. The motion passed unanimously (4-0).
14. General Manager's Report: General Manager Thuss presented his report to the Council, a copy of which is attached and made a part of these minutes. He stated Willis Engineering has delivered the plans for the low water crossing gates and the staff is reviewing and will get the cost estimate and move forward on this as soon as possible. The flood event did not affect any of the City's facilities and the only problem was with the West Water Plant which was shut down for a couple of days due to turbidity issues, but is now back up and running. The City opened the Emergency Operations Center at about 3:30 a.m. and he complimented the Police, Fire and Utility Departments for coming in and taking care of everything and keeping operations running as well as assisting Marble Falls. Alderman Bird asked if the City is working with HSB POA on the low water crossing gates. Mr. Thuss stated the City, the HSB POA and the Resort are all working in conjunction on this item. Alderman Bird said the Utility Manager's reports says there is a section of the wastewater line that went out and wanted to know if this section is going to be replaced. General Manager Thuss said it is. Alderman Bird said this is a good example as to the reason the replacement needs to be done.
15. August Meeting Dates: Mayor Lambert said the next meeting is scheduled for August 28. The Moratorium on New Construction in Zone 13, CapRock Zone, and Zone 14, HSB Boulevard Corridor Zone will expire on August 24, 2007 and he thinks it is desirable that there be a meeting prior to August 24 to extend the moratorium. The Resort is agreeable to the extension. There is also a portion of the property on HSB Boulevard that is presently under contract and the Resort is likely going to ask the Council to lift the moratorium and zone this area. The suggestion was made to have a meeting on August 13 to extend the moratorium and to postpone any decision concerning lifting the moratorium and zoning part

of the property until the August 28 Council meeting. Alderman Rantzow made the motion to schedule a Council meeting for August 13 at 3:00 p.m. The motion was seconded by Alderman Bird. The motion passed unanimously (4-0).

16. Propose Tax Rate: Mayor Lambert explained that this action is required by State law. Council held a budget workshop held July 9 and made great progress; however the budget will not be finalized until September. He said the tax rate has been \$0.50/\$100 valuation for the past several years. Council has discussed reducing that rate based on the following. There will be an estimated \$400,000 income from sales tax propositions passed in May. They also plan to continue increasing utility rates in order to continue the process to make the utility fund more self sufficient and to reduce the approximate \$2 million subsidy from the general fund. This year they are talking about \$500,000 which would result in a 15% reduction in the tax rate bringing it to \$0.425/\$100. The Council is well into the budget process and there is still hope the final rate might be lower. Alderman Rantzow made the motion to propose the tax rate at \$0.425 per \$100 valuation. The motion was seconded by Alderwoman Wines. The motion passed unanimously (4-0).
17. Schedule a Public Hearing on Proposed Tax Rate: Mayor Lambert stated the Council needs to formally schedule a Public Hearing on the Tax Rate. Alderman Bird made the motion to hold the Public Hearing on August 28, 2007 at 3:00 p.m. The motion was seconded by Alderman Rantzow. The motion passed unanimously (4-0). City Secretary, Toni Vanderburg requested the Council also schedule the second public hearing. Alderwoman Wines made the motion to hold the second Public Hearing on September 6, 2007 at 10:00 a.m. The motion was seconded by Alderman Bird. The motion passed unanimously (4-0).
18. Conduct a Public Hearing and Consideration and Possible Action on Preliminary Plats:
 - a. Replat of Lot Nos. 7010 and 7011, Horseshoe Bay Plat No. 7.1 to be known as Horseshoe Bay Plat No. 7.10, Llano County, Texas
 - b. Replat of Lot No. 29027, 29028 and 29044, Horseshoe Bay Plat No. 29.1 to be known as Horseshoe Bay Plat No. 29.27, Llano County, Texas
 - c. Replat of Lot Nos. N6019 and N6020, Horseshoe Bay North, Plat No. N6.1 to be known as Horseshoe Bay North, Plat No. N6.19, Llano County, Texas
 - d. Replat of Lot Nos. 15 and 16, Skywater Over Horseshoe Bay, Plat No. 2.1 to be known as Skywater over Horseshoe Bay, Plat No. 2.15, Llano County, Texas
 - c. Replat of Lot Nos. 2033-A and 2035, Horseshoe Bay Proper, Plat No. 2.14 to be known as Horseshoe Bay Proper, Plat No. 20.19, Llano County, Texas
 - d. Preliminary Plat of The Trails of Lake LBJ, Phase Three, Horseshoe Bay, Llano County, Texas

Mayor Lambert convened the Public Hearings at 5:37 p.m. He asked if there were any public comments. There were none and he adjourned the Public Hearing at 5:38 p.m. Alderman Rantzow was concerned about Item 18. b. and the possibility of the ability to create a new street across these lots. Alderwoman Wines stated she had spoke to the property owner and when the runway was extended at the airport, the street that allowed him access to his hangar was chained off. He is requesting this replat because he would like to put a driveway on his three lots and by doing this he would be crossing easements and violating setback

requirements. Alderman Babcock suggested approving this preliminarily and prior to the next meeting Eric Winter, Development Services Manager would go to the site to visually inspect and meet with the property owner. Mayor Lambert stated that The Trails of Lake LBJ has requested preliminary plat approval of Phase Three. Mike Walsh said in November of 2006 he came to the Council with a plat for their review. Since then they have made minor changes based on construction problems and other terrain items. Staff has identified several items that need to be addressed. Mr. Walsh stated he was not aware of any problems with the submission until this afternoon; however he would work with Don Sherman on them. Alderman Babcock stated they can approve the preliminary plat and sometime within a year if Mr. Walsh brings in the final they can approve that at that time. Alderman Rantzow made the motion to approve the preliminary plats. The motion was seconded by Alderman Babcock. The motion passed unanimously (4-0).

19. Fireworks: Mayor Lambert said there were two things he would like to address. All the comments he has received have been favorable. He said he felt the 15 minute show was adequate however they could extend it if the Council would like to do so. He has spoken to Resort and they would like to do this again next year and the 15 minutes is fine with them. Alderwoman Wines stated she has only heard one negative comment and everyone else said they enjoyed it. The second issue is a problem encountered with a couple of requests for private firework permits. There are different types of fireworks B and C. He added the current City ordinance only permits a "professional" fireworks show using Type B fireworks and they must have liability insurance. The Type C fireworks are not permitted by the State of Texas and it is very difficult to obtain insurance on this type. He said he was not aware of this when the Council considered this ordinance and he did not think the rest of the Council was either. After some discussion it was decided that the Council might allow smaller shows. The decision was made to ask Chief Fiero to study this matter and bring the matter back to the Council for approval at a later date.

20. Adjournment: Alderman Rantzow made the motion to adjourn at 5:56 p.m. Alderwoman Wines seconded the motion. The motion passed unanimously (4-0).

APPROVED this 28th day of August, 2007.

/S/
Robert W. Lambert, Mayor

ATTEST:

/S/
Toni Vanderburg, City Secretary